

SB1843



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1843

Introduced 2/20/2009, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-7

from Ch. 38, par. 1005-8-7

Amends the Unified Code of Corrections. Provides that an offender charged with the commission of an offense committed while on parole, mandatory supervised release, or probation shall not be given credit for time spent in custody for that offense for any time spent in custody as a result of a revocation of parole, mandatory supervised release, or probation where such revocation is based on a sentence imposed for a previous conviction, regardless of the facts upon which the revocation of parole, mandatory supervised release, or probation is based, unless both the State and the defendant agree that the time served for a violation of mandatory supervised release, parole, or probation shall be credited towards the sentence for the current offense. Effective immediately.

LRB096 10815 RLC 21499 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-8-7 as follows:

6 (730 ILCS 5/5-8-7) (from Ch. 38, par. 1005-8-7)

7 Sec. 5-8-7. Calculation of Term of Imprisonment.

8 (a) A sentence of imprisonment shall commence on the date
9 on which the offender is received by the Department or the
10 institution at which the sentence is to be served.

11 (b) Except as set forth in subsection (e), the ~~The~~ offender
12 shall be given credit on the determinate sentence or maximum
13 term and the minimum period of imprisonment for time spent in
14 custody as a result of the offense for which the sentence was
15 imposed, at the rate specified in Section 3-6-3 of this Code.
16 Except when prohibited by subsection (d), the trial court may
17 give credit to the defendant for time spent in home detention,
18 or when the defendant has been confined for psychiatric or
19 substance abuse treatment prior to judgment, if the court finds
20 that the detention or confinement was custodial.

21 (c) An offender arrested on one charge and prosecuted on
22 another charge for conduct which occurred prior to his arrest
23 shall be given credit on the determinate sentence or maximum

1 term and the minimum term of imprisonment for time spent in
2 custody under the former charge not credited against another
3 sentence.

4 (d) An offender sentenced to a term of imprisonment for an
5 offense listed in paragraph (2) of subsection (c) of Section
6 5-5-3 of this Code, or for an offense listed in subdivision
7 (d)(2)(c) of Section 11-501 of the Illinois Vehicle Code that
8 was committed while the offender's driving privileges were
9 revoked or suspended as provided in subdivision (d)(1)(G) of
10 that Section, shall not receive credit for time spent in home
11 detention prior to judgment.

12 (e) An offender charged with the commission of an offense
13 committed while on parole, mandatory supervised release, or
14 probation shall not be given credit for time spent in custody
15 under subsection (b) for that offense for any time spent in
16 custody as a result of a revocation of parole, mandatory
17 supervised release, or probation where such revocation is based
18 on a sentence imposed for a previous conviction, regardless of
19 the facts upon which the revocation of parole, mandatory
20 supervised release, or probation is based, unless both the
21 State and the defendant agree that the time served for a
22 violation of mandatory supervised release, parole, or
23 probation shall be credited towards the sentence for the
24 current offense.

25 (Source: P.A. 95-578, eff. 6-1-08.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.